

Child Victims and Restorative Justice: A Needs-Rights Model

Tali Gal ; New York : Oxford University Press, 2011, 240 p.

Whilst practicing as a children's rights lawyer and working with victimized children, Tali Gal was confronted with the limitations of court processes. Gal witnessed first-hand the frustration of child victims and their families who felt that they weren't taken seriously by professionals and that they were not given the opportunity to have their voices heard. Furthermore, her experience as a child advocate had shown Gal that children both want to and are often capable of contributing to the decision-making on matters that impact their lives. Spurred on by these shortcomings in the criminal justice process, and convinced of the under explored capacities of young people, Gal began to explore the alternatives. In doing so she identified that despite the upward trajectory in attention given to the rights of children and also to the rights of victims, children who are also victims are more likely to be considered as targets for protection rather than as holders of rights.

The needs-rights model presented in Gal's book has a strong theoretical underpinning. It encompasses legal and psychosocial discourses in its consideration of both children's rights and needs. The model serves as a means through which the criminal justice systems can be analyzed, and also as a tool with which to facilitate the development of new, holistic inclusive and restorative responses to child victimization.

Gal begins the book by discussing the victimization of children. Drawing on the developmental victimology work of David Finkelhor, she explains that victimization experiences are extremely common in children's lives. Indeed, children experience more victimization than any other group, yet their experiences are often considered less seriously than similar victimization experienced by adults.

In the second chapter, Gal introduces the field of children's rights, leading the reader through the discourse in a comprehensive yet concise way. In doing so, she begins her argument for the relevance of a needs-rights model. As could be expected, attention is given to the 1989 UN Convention on the Rights of the Child. A particular focus is placed on the four guiding principles : nondiscrimination, the best interests of the child, life, survival and development, and participation. Attention is also given to the two provisions that are associated with victimization specifically. Article 19 is concerned with prevention of and protection from victimization by caregivers. Article 39 is concerned with the right to access rehabilitation. These four principles and two provisions are combined to form the 'web of children's rights' that lies at the core of the model. Within this discourse, there is already attention given to the interaction between children's rights and children's needs or, as Gal puts it, 'the interrelationship between an empirical investigation of children's needs, on the one hand, and a normative analysis of their basic rights, on the other' (55). The consideration of children's needs is extended in the third chapter.

Chapter 3 sees a deeper exploration of childhood victimization and its impact. Empirical findings from psychosocial literature are examined in an attempt to understand the needs

that children have during the process of healing that might follow victimization. Four sets of psychosocial needs are identified: procedural justice, developmental victimology promoting children's wellbeing and, children as partners. The needs are integrated into the web of children's rights, each of the needs being linked to the most relevant rights. In combination, the set of psychosocial needs and the rights associated with it are referred to as a cluster. Gal describes four clusters: protection, best interests, procedural justice, and control. This integration of the children's rights and children's needs forms the needs-rights model for child victims.

The fourth chapter provides a picture of the position of child victims within the adversarial criminal justice systems. Gal discusses, with authority, the limitations of these systems in their dealings with children. The argument is balanced, however, by the consideration given to the potential benefits that victimized children may experience within the criminal process. The chapter then moves on to illustrate that the needs-rights model for child victims can be used as an evaluation tool for adversarial criminal justice systems. Criminal justice shortcomings are explored through their comparison to the needs and rights within each of the model's clusters. In this method of analysis, the criminal justice system is shown to leave young victims with many unmet needs and unfulfilled rights. At this stage, the reader has a clear understanding of the rights and needs of child victims and how they relate to each other, and also knows about the criminal justice system's shortfalls when it comes to child victims.

Chapter 5 introduces restorative justice as a method through which the rights and needs of victimized children can be met. Drawing on case studies from New Zealand, Australia and Canada, Gal presents empirical findings that illustrate the benefits of restorative justice. Despite its promise and potential, restorative justice is not without its risks. Gal does not shy away from discussing these general difficulties and also addresses the use of restorative justice in cases of family violence and child abuse.

The potential of restorative justice in fulfilling the rights and meeting the needs of child victims has been established and in chapter 6 there is a return to the 4 clusters of the needs-rights model. A set of 'subsidiary principles' is associated with each of the clusters. These are instructional principles for action in restorative justice settings. Instead of being a set of definite rules, which would be rigid and might not withstand transfer across various contexts, situations and circumstances, the subsidiary principles are deliberately wide in their scope. In this way, the individual needs of the child and the particulars of individual circumstances can be accommodated. When the needs-rights model for child victims also contains the subsidiary principles, it becomes the needs-rights framework for child-inclusive restorative justice.

All too often there is a disconnection between theory and practice. Gal greatly assists the translation of her model into practice by presenting the reader with eight heuristics for child-inclusive restorative justice: (1) holism, (2) tailor-made process, (3) children as partners, (4) participation as a continuum, (5) liberating children's voices, (6) adults not being risk averse, (7) restorative processes as a goal, (8) empowering advocacy. These heuristics are further elaborated in chapter 7. This chapter presents a general summary of the book. The book is concluded as it was begun, with the subject of child victimization. Gal's concluding sentence asserts that respect for the rights and needs of children who are victims may ultimately lead to a decrease in childhood victimization.

The combination of a thorough theoretical basis, empirical evidence and also attention for practical application is one of the many positive aspects of this book. To these we add the appearance of a number of figures, which graphically represent various relationships and concepts. However, there is no list of figures in the book, and this may hinder sourcing information. Additionally, the rather scant list of contents. Only the main chapter headings

are mentioned and this does a disservice both to the reader and to the book itself, in that there is nothing to point the reader to the true richness contained in each chapter. The index section is definitely comprehensive, but that is no substitute for an enticing and comprehensive contents list to help the reader to navigate. This is especially important for a book such as this, which addresses a number of subtopics and themes. The reader may struggle to gain an overview.

Gal casts her gaze across a number of different disciplines and adeptly combines theory and empirical evidence. It is not only that the concept underlying the model feels intuitively correct. Gal provides a strong theoretical and empirical grounding, constructing her argument in a balanced and convincing way. Gal then goes a step further and provides the practitioner with tools with which to operationalize the model, in the form of the eight heuristics. Overall this was a very interesting and thought-provoking read. This book is certainly a starting point for future developments and would be of great value to practitioners and scholars across a number of disciplines.

Monique Anderson*

* Leuven Institute of Criminology, Catholic University of Leuven, Belgium, E-mail : monique.anderson@law.kuleuven.be